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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,245	10/11/2003	Ronnie Benditt		3028

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EXAMINER	
FLETCHER, MARLON T	

ART UNIT	PAPER NUMBER
2837	

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05/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/684,245	BENDITT, RONNIE	
	Examiner	Art Unit	
	Marlon T. Fletcher	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6, 9, 11-16, and 21, are rejected under 35 U.S.C. 102(e) as being *** by Standard et al. (6,848,219).

Standard et al. disclose a system (400) for controlling a performing arts show by an onstage performer, comprising: a means (425) for playing lists of audio tracks and lighting sequences that are timed to said audio tracks (column 9, lines 18-28, and lines 43-50); a body (500) containing a plurality of switches (column 10, lines 34-61), and means for controlling lights in response to said lighting sequences, whereby said switches control the starting and stopping of said lists of audio tracks and lighting sequences (column 7, lines 23-40; and column 9, lines 56-64).

Standard et al. disclose the system, wherein the switches also control the volume of said audio tracks' playback (inherent via studio controls – column 11, lines 60-66).

Standard et al. disclose the system, wherein said switches also control the selecting of the current item on said lists for playback (column 9, lines 43-67).

Standard et al. disclose the system,further including a means to mix live audio with said audio tracks (column 10, lines 11-17).

Standard et al. disclose the system, wherein said means for controlling lights uses the DMX512 protocol (500b) as described by the United States Institute of Theatre Technology.

Standard et al. disclose the system wherein said means for playing lists of audio tracks and lighting sequences is a microprocessor that is integral to said body containing a plurality of switches (column 7, lines 23-25).

Standard et al. disclose the system, further including a microphone, whereby said sound-activated events are triggered by output from said microphone (inherent via MC for the production).

Standard et al. disclose the system, further including a method for generating and a means for displaying computer graphics in synchronization with said audio tracks (column 4, line 60 – column 5, line 14).

Standard et al. disclose the system as described in claim 14 wherein said display means is a projector (115).

Standard et al. disclose the system, wherein said computer graphics generation method is based upon a prescribed algorithm that is a function of the audio signal from said audio tracks (column 9, lines 43-51).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Standard et al. in view of Jean (2003/0027120).

Standard et al. are discussed above. Although Standard et al. disclose the use of video presentation, Standard et al. do not specifically disclose displaying lyrics.

However, Jean discloses a system, further including a means for displaying lyrics that are timed to said audio tracks (wherein Jean discloses a Karaoke stage system – page 4, paragraph 42)

It would have been obvious one of ordinary skill in the art at the time the invention was made, to utilize the teachings of Jean with the teachings of Standard et al., since the karaoke style system provides more enhancement to the system, by providing a visual of lyrics of a song to be performed along with music or audio, and visual effects.

5. Claims 7, 8, 10, 17-20, and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Standard et al.

Standard et al. are discussed above. While some features may be inherent and apparent in Standard et al., Standard does not disclose the use of MIDI control signals, foot switches, and wireless connections.

However, these features are well known features. Official Notice is taken with respect to it being well known in the art to provide MIDI control signals for controlling operations in a musical device; to provide foot operated switches for controlling musical systems; and to use wireless connections for controlling operations in musical system.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of that which is well known in the art with the teachings of Standard et al, because teachings features which enhance the operation of the system.

Response to Arguments

Applicant's arguments filed 1/03/2008 have been fully considered but they are not persuasive.

The claims are merely amended by providing the limitation "by an onstage performer" in the preamble. The preamble carries little weight. Further, the phrase only provides intended use. Clearly Standard et al. provide an onstage performance as can be seen in figures 1-3. The arguments and amendment is not persuasive for defining of the presented prior art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MTF
05/12/2008

/Marlon T Fletcher/
Primary Examiner, Art Unit 2837